



**USAID**  
FROM THE AMERICAN PEOPLE

**GUATEMALA**

# TRANSPARENCY AND INTEGRITY PROJECT

## MONITORING AND EVALUATION REPORTS (JULY 1 – SEPTEMBER 30, 2012)

July 2012

This publication was produced for review by the United States Agency for International Development.  
It was prepared by Tetra Tech ARD.

Prepared for the United States Agency for International Development, USAID Contract Number DFD-I-00-08-00067-00, Task Order 02, Guatemala Transparency Program, under the Encouraging Global Anticorruption and Good Governance Effort (ENGAGE) Indefinite Quantity Contract (IQC).

Tetra Tech ARD Principal Contacts:

Alexandra Forrester  
Project Manager  
**Tetra Tech ARD**  
alexandra.forrester@tetrattech.com

Don Peterson  
Senior Technical Advisor/Manager  
**Tetra Tech ARD**  
don.peterson@tetrattech.com

# TRANSPARENCY AND INTEGRITY PROJECT

MONITORING AND EVALUATION EFFORTS  
(JULY - SEPTEMBER 2012)

OCTOBER 2012

## **DISCLAIMER**

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# CONTENTS

ACRONYMS .....	5
<u>SO</u> : Ruling Justly: More Responsive, Transparency Governance .....	7
2011 CPI Brief Context Analysis .....	7
<u>SUB IR 2.1</u> : Citizens better informed and capable to oversee and fight against corruption .....	8
<u>LLR 2.1.1</u> : Increase and strengthen participation of Civil Society Organizations in watchdog And social auditing activities and oversight of public resources and functions of public authorities .....	10
<u>LLR 2.1.2</u> : Private sector more active and committed with the fight against corruption .....	16
<u>LLR 2.1.3</u> : Mass media publishes high quality information to control corruption and Promote accountability .....	17
<u>SUB IR 2.2</u> : Key Executive Branch Institutions with increased capacity to oversee and Implement anti-corruption measures .....	17
<u>LLR 2.2.1</u> : Freedom of Information Law widely disseminated and implemented by the Executive Branch and other national institutions .....	19
<u>LLR 2.2.2</u> : A National Anti-corruption Body created and functioning .....	21
<u>LLR 2.2.3</u> : International Anticorruption Treaties disseminated and implemented by GoG Strengthened .....	21
<u>LLR 2.2.4</u> : Mechanisms to pursue allegations of corruption established and working in key GoG institutions .....	23
<u>SUB IR 2.3</u> : A more active role of Key Oversight Entities promoted .....	24
<u>LLR 2.3.1</u> : Regulatory framework and ad hoc legislation to combat corruption is Promoted by the Congress in performing its oversight role .....	25
<u>LLR 2.3.2</u> : Mechanisms to pursue corruption cases are established and functioning in the Anticorruption Unit of the Attorney General Office .....	26
<u>LLR 2.3.3</u> : Comptroller General Improves its performance in selected areas of intervention .....	27
<u>SUB IR 2.4</u> : A more transparent political party financing system established and working .....	27

# ACRONYMS

AC	<i>Acción Ciudadana</i> (Guatemalan chapter of Transparency International)
ACU	Anticorruption Unit
ADP	<i>Amigos para la Paz y el Desarrollo</i>
AFU	Administrative Felonies Unit
AGIP	<i>Asociación Guatemalteca de Investigadores del Presupuesto</i>
AGO	Attorney General's Office
ASIES	<i>Asociación de Investigación y de Estudios Sociales</i>
CEG	<i>Centro de Estudios de Guatemala</i>
CGO	Controller General's Office
CICIG	UN International Commission against Impunity and Corruption in Guatemala
CIEN	<i>Centro de Investigaciones Economicas Nacionales</i>
COCODES	Community Councils for Development
COTR	Contracting Officer's Technical Representative
CSO	Civil Society Organization
DGO	Democracy and Governance Office
FUNDES	<i>Fundación Latinoamericana para el Desarrollo</i>
FUNDESA	<i>Fundación para el Desarrollo</i>
FOIL	Freedom of Information Law
GAM	<i>Grupo de Apoyo Mutuo</i>
GoG	Government of Guatemala
IACC	Inter-American Convention Against Corruption
IDPP	Institute of Public Defense
IFES	International Foundation for Electoral Systems
IR	Intermediate Result
IREX	International Research and Exchanges Board
LLR	Lower-Level Result
LOU	Letter of Understanding
MATADOR	Media Assistance Utilizing Technological Advancements and Direct Online Response
MCC	Millennium Challenge Corporation
MESICIC	Committee of Experts of the Follow-up Mechanism
MPJ	Pro Justice Movement
MSME	Micro, Small, and Medium Enterprise
PTI	<i>Proyecto de Transparencia e Integridad</i> (Transparency and Integrity Project)
RRF	Rapid Response Fund
SUB-IR	Sub Intermediate Result
UNCAC	United Nations Convention Against Corruption
USAID	United States Agency for International Development

# MONITORING AND EVALUATION EFFORTS

USAID / Guatemala Transparency and Integrity Project (PTI) is a five-year contract between the United States Agency for International Development (USAID) and ARD, Inc. of Burlington, Vermont, USA. PTI is a continuation of previous USAID investments to strengthen national government transparency and accountability efforts. It is an outgrowth of the multi-country Anti-corruption, Transparency and Accountability Program in Central America and Mexico. Previous USAID efforts have had notable success, such as the passage of the Freedom of Information Act by Guatemala's Congress and the dissemination of the law to encourage its implementation, as well as the creation and strengthening of Access to Information Units (UAI) in select public institutions.

The objective of PTI is to support the GoG to combat corruption and strengthen systems of transparency and accountability, contributing to a more transparent, responsive government, and democratic Guatemala state. PTI supports efforts to increase the demand for transparency by working with civil society (CSOs, private sector, and media); strengthening the capacity of key government institutions to promote a more transparent and accountable public sector ("supply side"); strengthening Guatemala institutions charged with control and oversight of public resources; and supporting the modernization of regulations related to political parties finance.

This Monitoring and Evaluation Report includes a brief description of the Project's major results vis-à-vis the modified PTI Performance Monitoring Matrix, approved by the COTR in August 2011.

The Program's **most significant achievements** this year include:

- Support for 4 law initiatives to improve the regulatory framework for the combat against corruption;
- Capacity strengthening for 28 Access to Information Units within the Executive Branch;
- Support to increase transparency in the selection of both the Director of the Guatemalan Institute of Forensic Science and the new Human Rights Ombudsman; and
- Training for over 560 members of civil society on the Law on Access to Information and Social Auditing

In almost all cases, the program achieved or surpassed proposed indicator targets for FY12. The following description provides clear details about project progress during the year, by indicator.

**SQ: Ruling Justly: More Responsive, Transparency Governance**

**Indicator:** Guatemala's percent change on the Transparency International (TI) Corruption Perception Index (CPI) (Context Indicator)

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
3.4 (2009)	3.6	2.7	-.9

In FY11 Guatemala saw a *decrease* in its score on Transparency International's Corruptions Perceptions Index (CPI) from 3.2 in 2010 to 2.7 in 2011. This represents a *decrease of .5* and almost a full index point below the TPI target for FY12. It also represents Guatemala's lowest score on the index since 2006. Among the 32 Latin American and Caribbean countries included in the *2011 CPI*, only 11 scored 5 or above while 22 scored below 5, indicating a serious corruption problem. In the Central American region, Guatemala ranked above Nicaragua and Honduras but below El Salvador, Panama and Costa Rica. Overall Guatemala decreased in rank from 91 out of 178 in 2010 to 120 out of 183 in 2011.

**Guatemala CPI Scores: 2001- 2011**

Country / Year	01	02	03	04	05	06	07	08	09	10	11
Guatemala	2.9	2.5	2.4	2.2	2.5	2.6	2.8	3.1	3.4	3.2	2.7

**2011 CPI Brief Context Analysis**

Guatemala's low score on the CPI is likely the result of multiple factors. The country has confronted challenges in the development of a coherent transparency and anti-corruption policy. Congress has failed to pass four key pieces of legislation: the Bank Secrecy Act, Anti-Corruption Law, Anti-Evasion Law and the Law of Illicit Enrichment. At the same time, the Colom administration has encouraged corruption by expanding the use of public trusts for government spending, a system that circumvents legal regulation by transferring state resources to NGOs in order to avoid congressional oversight.<sup>1</sup> The administration also used state resources to ensure political support for President Colom and his former wife Sandra Torres de Colom. In March, Torres de Colom divorced her husband in order to run for president, circumventing a law preventing a president's relatives from running for the office.<sup>2</sup> Guatemala has also made limited progress in the implementation of the UN and Inter-American Conventions Against Corruption, failing to create harsher penalties for corruption-related crimes.<sup>3</sup>

While congress and the president share responsibility for these challenges, the Guatemalan courts have also played a role in facilitating suspected corruption cases. Perhaps the highest profile case involves former President Alfonso Portillo. In May, Portillo, his defense minister, Eduardo Arévalo Laks and his finance minister, Manuel Hiram Maza Castellanos were found not guilty on charges of embezzling 15 million dollars during Portillo's term in office (2000-2004). According to two of the three judges that ruled on the case, the prosecution, supported by the International Commission Against Impunity in Guatemala (CICIG), failed to prove that Portillo and the others were directly involved in the theft.<sup>4</sup> This happened despite the fact that CICIG had documents to prove that a subordinate of Portillo stole the money and wired it to private accounts to his wife and family members.<sup>5</sup> Although the Guatemala courts did not find Portillo guilty, he will be extradited to the United States to face charges of money laundering.<sup>6</sup> The fact that he was not found guilty in Guatemala but will now likely go on trial in the US is likely to contribute to highlight the ineffectiveness of the Guatemalan justice system and increase

<sup>1</sup> "Corrupción: El legado de Colóm," El Periódico, November 14, 2011

<sup>2</sup> "Confirmado: Sandra Torres y Álvaro Colom iniciaron divorcio," Prensa Libre, March 21, 2011

<sup>3</sup> "Corrupción: El legado de Colóm," El Periódico, November 14, 2011

<sup>4</sup> "Guatemalan Court Acquits Former President of Embezzling," New York Times, May 10, 2011

<sup>5</sup> "The lawyer taking on Guatemala's criminal gangs," The Independent, January 4, 2012

<sup>6</sup> "Guatemalan Court Acquits Former President of Embezzling," New York Times, May 10, 2011

perceptions of corruption.

The year under examination in the CPI was also an election year in Guatemala. Despite campaign finance reform limiting spending and requiring candidates to disclose their sources of funding, candidates blatantly ignored the law. Recent election campaigns in Guatemala have been among the costliest per capita on the continent, and this most recent campaign broke all previous cost records. It is likely that some of these high, undisclosed campaign funding sources come from organized crime and drug traffickers, leaving elected officials beholden to criminal interests that clearly gain from continued lawlessness and a weakened state.<sup>7</sup> In effect, organized crime and drug trafficking have infiltrated every level of government. However, it is important to note that while there are many reasons to believe that Guatemala may have “earned” its lower score, it also important to highlight the distortionary role that increased visibility and publicity regarding transparency and corruption might have on perceptions. The high profile role of institutions like the CICIG and the actions of partners like PTI raise public awareness about corruption, contributing to an increased perception between 2010 and 2011 even when actual cases of corruption may have in fact decreased.

### **SUB IR 2.1: Citizens better informed and capable to oversee and fight against corruption**

**Indicator:** Number of concrete changes in government processes resulting from social audit activities.

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 (2009)	5	5	0

TPI achieved the target for this indicator in FY12.

1] The Human Rights Commission of the Guatemalan Congress applies the principles of public transparency in the selection of the Guatemalan Human Rights Ombudsman (PDH, in Spanish) [1 change]

Between March and June, PTI supported Movimiento Pro Justicia to conduct advocacy activities in support of a transparent selection process for Guatemala’s new Human Rights Ombudsman (PDH). MPJ accompanied the Congressional Human Rights Commission in all of its meetings leading up the selection process and provided them with 4 documents to support the selection process: (1) List of Key competencies / job description for the ideal candidate for the Human Rights Commissioner position (including items included in the Constitution as well as additional points): Expertise in human rights, constitutional law and Public Administration, recognized professional ethics, recognized professionalism, minimum academic and professional qualifications, administrative competency, leadership, information management capacity, record of operational excellency and high-level communication skills; (2) Proposed evaluation criteria and scale (based on the criteria described above); (3) Interview Guide and interview evaluation tool; and (4) Proposed instrument to evaluate the work plan of the selected candidate. MPJ also undertook strategic communication campaigns (on radio and television) as well as development and public distribution of analytical documents meant to inform the general public and exert pressure on the Congressional plenary to make their final selection in as transparent a manner as possible. Congress ultimately selected Jorge de León Duque as the new PDH. The other candidates- José Córdova and Elizabeth Palencia- each received 13 votes. In comparison with past selection process, this selection process was considered to be much more transparent than previous processes. The changes law in the Law on Selection Processes (passed in 2009 with support from MPJ) enabled civil society to get involved in the selection process because now the Human Rights Commission is required by law to allow civil society into their sessions and to participate actively in the process. This platform enabled civil society to get more involved in the selection process.

<sup>7</sup> “Guatemala’s Elections: Clean Polls, Dirty Politics,” International Crisis Group, Policy Briefing, Latin America Briefing No. 24, June 16, 2011



2] Creation of the technical working group in the National Commission for Transparency of the Guatemalan Congress (CENT) [1 change]

In November 2011, PTI provided CEG with a donation of \$28,400.99 to promote and advocate for a transparency-focused legislative agenda. Within the framework of the agreement with PTI, CEG provided two training sessions for new members of Congress: (1) “Transparency, Anti-Corruption, International Recommendations and the Pending Legislative Agenda” on February 1, with the participation of 11 congress people and 13 advisors from across 8 political parties (PATRIOTA, UNE, CREO, PAN, WINAQ, EG, LIDER e Independents); and (2) “Parliamentary Functions for Transparency and Administrative Control: Oversight Institutions and the Role of Legislators” on February 29, with the participation of seven Congressional representatives and 15 congressional advisors. Through the donation CEG also provided technical assistance to the National Commission for Transparency of the Guatemalan Congress (CENT) in the promotion of the legislative agenda in favor of transparency and anti-corruption efforts, including the promotion and creation of the *technical working group* of the CENT to support the legislative agenda for anti-corruption and transparency efforts. The working group makes an important contribution to legislative efforts. First, the working group brings together all the congressional advisors of the members of the CENT, representatives from PTI, CEG and other CSOs to generate dialogue and consensus. Second, given that most of the members of the CENT are new representatives to Congress, the working group was a good opportunity to bring them up to speed on prior progress and challenges in the transparency legislative agenda.

3] The Board of Directors of the National Institute of Forensic Science (INACIF) applies the principles of transparency and objectivity in the selection of the new INACIF Director [1 change]

Within the framework of the social audit of the selection process of the INACIF Director conducted by MPJ between March and July, MPJ conducted several advocacy activities, including: (1) the development of an advocacy plan to support greater transparency in the selection process; (2) the design of technical inputs for the INACIF Board of Directors, including: the ideal professional requirements of the Director position, a scale and grading system for rating candidates (including academic, professional, ethical and personal criteria) and an interview guide linked to the scoring tool; (3) participation in all meetings and public forums regarding the selection process in order to provide written monitoring reports for dissemination to the media; (4) public awareness campaigns regarding the process and outcomes via their webpage as well as through social media such as Facebook. MPJ played an important role in the selection process, as the majority of their inputs were used in the selection process (especially the interview guide and scoring tool). This process was the first time that the INACIF Director has been selected through a transparent and public process.

4] Reform to the Law on Selection Committees is presented as a bill before Congress [1 change]

During the last three years, MPJ has played an active role in the legislative reform process. With support from PTI, MPJ has monitored several high-level appointment and selection processes (Constitutional Court, Attorney General, Comptroller General and the INACIF Director). These efforts provided the opportunity to identify several existing gaps in the current law regarding selection process for government appointees. Within this context, MPJ worked with Congresswoman Nineth Montenegro (from the Encuentro por Guatemala political party) to present a proposal to improve selection processes and make them more transparent and public. Congresswoman Montenegro subsequently presented the reforms as a bill before the Guatemalan Congress (Bill 4471). The most salient aspects of the proposed modifications address the following issues: (a) conflict of interest, (b) committee member no-shows during the process, (c) campaign finance, (d) application deadlines, (e) qualification descriptions, and (f) social auditing. MPJ also developed an advocacy agenda regarding the proposed reforms, through which they identified key “allies” and champions within the Congress, conducted consultations with members of past selection committees to document best practices, and developed a communications strategy. As part of this process, MPJ sponsored a public forum on July 27 to discuss the most relevant/pressing aspects of the legal reform bill.

5] Reform proposals to the Organic Law of the Legislative (LOL) Body were presented as a bill before the Guatemalan Congress [1 change]

Within the framework of the donation that PTI provided for Accion Ciudadana to conduct social audits of the human resource process within the Congress, AC provided technical inputs for a proposal to reform the LOL and Civil Service Law of the Legislative Branch (LSCOL). To achieve this, AC sponsored two working sessions (6 and 13 July) to encourage dialogue regarding legislative reforms. AC hired two consultants to present both a situation analysis of current human resource management practices in the Congress and a reform proposal to the LOL and LSCOL. Using the inputs from these work sessions, Acción Ciudadana finalized the proposals, which were subsequently discussed and agreed upon in two additional work sessions (16 and 20 July). Congressional representatives Nineth Montenegro, Christian Boussinot, Gudy Rivera, Oscar Chinchilla, Graciela Aquino, Baudilio Hichos, Estuardo Galdámez, Luis Pedro Álvarez, Manuel Barquín y Héctor Lira presented the bill formally on September 4<sup>th</sup> as bill 4541. If approved, this law will increase efficiency and improve human resource management functions in Congress by establishing a clear separation between administrative and political functions. This will also increase transparency in human resources management in Congress.

**LLR 2.1.1: Increase and strengthen participation of Civil Society Organizations in watchdog and social auditing activities and oversight of public resources and functions of public authorities**

**Indicator:** Number of Social Auditing Activities carried out with project support

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 (2009)	5	5	0

PTI achieved the target for this indicator in FY12.

1] Report of the MESISIC Committee of Experts (1 social auditing activity)

Starting from the very first round of evaluations, Acción Ciudadana has led the independent civil society evaluation process of the MESISIC in Guatemala, completing independent reports in the first round in 2005, in the second round in 2008 and in the third round 2010. During the nineteenth meeting of the Committee of Experts, Guatemala volunteered to submit to a fourth round evaluation. Given Acción Ciudadana's previous experience as well as the organization's capacity to lead participatory processes and establish consensus among civil society actors, PTI supported their leadership of the fourth round evaluation through a donation of Q. 151,463.23 (approximately \$20,000). In early December 2011, Acción Ciudadana brought together five civil society organizations<sup>8</sup> to analyze Guatemala's progress on the ICAC based on the methodology established by the MESICIC Secretariat. These organizations were selected because they expressed interest in participating in the independent reporting process. Partners conducted an "audit" of key government oversight agencies based on their importance in anti-corruption efforts, including the Comptroller General's Office, The Guatemalan Congress, the Anti-Corruption Prosecution Office of the Attorney General and the Tax Superintendent's Office. Acción Ciudadana compiled the results of the evaluation of recommendations in a report that was validated by civil society partners. Acción Ciudadana shared the results of the evaluation with the government offices included in the evaluation and presented the results in a public forum, to which civil society, civil servants, communication media, the international community and citizens were invited.

2] Social Audit of the Human Rights Commission and the Plenary of the Guatemalan Congress in the selection of the new Human Rights Commissioner (1 social auditing activity)

The Human Rights Commissioner is a position established by the Guatemalan Congress to defend the Human Rights established in the Universal Declaration of Human Rights as well as other International Human Rights instruments ratified and signed by the Government of Guatemala. To support the process of selection of the new Ombudsman PTI provided a grant of US\$64,001.80 to MPJ to conduct advocacy to ensure transparency, integrity and public awareness as guiding principles in the selection of the Human

<sup>8</sup> Centro de Estudios de Guatemala CEG; Fundación Myrna Mack y la Red Nacional por la Integridad; Grupo de Apoyo Mutuo (GAM) and Guatemala Visible.

Rights Ombudsman (PDH). Between March and June 2012 Movimiento Pro Justicia, conducted a social audit of the selection process of the PDH as well as advocacy to ensure application of the principles of transparency, including the design and implementation of a communication strategy. MPJ provided the Congressional Human Rights Commission with a copy of the ideal profile of the PDH, an interview guide and evaluation instrument to support transparency and integrity in the selection process. To promote public transparency in the selection process, MPJ also sponsored three public dialogues, wrote three analytical bulletins and used social media platforms to communicate with the public.

### 3] Social Audit of the selection process for the Director of the National Institute of Forensic Science (INACIF) [1 social auditing activity]

INACIF was established in September 2006 to ensure that the state had the capacity to identify and use valid evidence in judicial proceedings based on state-of-the-art technical, scientific and criminal investigation methods. INACIF began operations in July 2007. The law that regulates INACIF establishes that the Board of Directors is responsible for selecting the institution's Director for a five-year term with the option of one reelection period. The Board is made up of the President of the Supreme Court, The Minister of the Interior, the Attorney General, the Director of the Institute of Public Defense, President of the National Medical Board, President of the Chemical and Pharmaceutical Board and the President of the Guatemalan Bar Association. To ensure compliance with the Law on Selection Committees, PTI provided FADS (Movimiento Pro Justicia)<sup>9</sup> with a donation of US\$64,001.80 to conduct advocacy to ensure transparency, integrity and public awareness in the selection of the INACIF Director. MPJ worked closely with the Board of Directors to raise their consciousness regarding the importance of a transparent selection process. MPJ also provided technical inputs to the Board to support the selection process (ideal profile of the Director, interview guide and scoring/ranking instrument). Subsequently the Board adopted the interview guide and scoring instrument as key inputs in the selection process. MPJ accompanied the selection process through public monitoring and use of their webpage and social networks such as Facebook. After using the instruments provided by MPJ, the Board of Directors selected Doctor Jorge Nery Cabrera Cabrera as the new Director of INACIF. He assumed the post on July 18, 2012.

### 4] Finalization of the Guatemalan portion of the Latin American Budget Transparency Index [1 social auditing activity]

The Latin American Budget Transparency Index is an instrument used to measure the degree of transparency in national public spending and facilitates comparisons between countries over time. It updates existing knowledge on the budget process and the importance of transparency in this field, and identifies specific budget areas with less transparency so that governments can work toward concrete solutions. PTI provided a donation of \$64,001.80 to the Centro de Investigaciones Económicas Nacionales (CIEN) in August to complete Guatemala's portion of the Index. The project was part of a regional initiative coordinated by the Mexican organization FUNDAR, in which CSOs from Venezuela, Mexico, Ecuador, Costa Rica and Guatemala participated. Through the donation, CIEN completed quantitative analysis of budget transparency<sup>10</sup>, formulated concrete recommendations to improve budget transparency and conducted advocacy to ensure adoption of the recommendations by relevant Guatemalan institutions. In 2011 Guatemala scored 44 out of a possible 100 points, a fact that puts Guatemala significantly below the minimum requirement for a passing score of at least 60 points. In comparison with other Latin American countries, Guatemala ranked next to last, surpassing only Venezuela (22 points). Guatemala's score has remained at the same level since the previous evaluation in 2009. Guatemala's highest scores for the Index were for the variables assessing: public information access; reliability and quality of budget information, and local government responsibilities. The lowest scores were on the variables assessing: internal audit evaluation; spending impact and performance evaluations; budget control processes, and the presentation of timely information. CIEN used these

<sup>9</sup> FADS is the institution that provides administrative, financial, and managerial cohesion to Movimiento Projusticia (Pro-Justice Movement- MPJ). The organizations in the MPJ alliance are: Myrna Mack Foundation, FADS--Asociación de Familiares y Amigos contra la Delincuencia y el Secuestro (Association of Families and Friends Against Crime and Kidnapping), and Agrupacion de Madres Angustiadas (Anguished Mothers Group).

<sup>10</sup> The quantitative methodology was standardized across participating countries to ensure comparability across the region.

findings to generate dialogue and reflection and to promote concrete actions to improve transparency in public budgeting. CIEN's work under the PTI donation had an important impact because: (1) it was used by the SECYT; (2) it was widely discussed in the media; and (3) it was used to establish concrete recommendations for follow-up through working groups.

5] Social Audit of the human resource management process in the national Congress [1 social auditing activity]

A strong civil service system is a key pillar of a functioning state. In Guatemala the civil service system is obsolete, and this has facilitated its systematic abuse, undermining the development and legitimacy of Guatemala's incipient democracy. As a result of gaps in the system, public servants have been able to use the civil service system to extract personal gain through political favor and nepotism. As a result, the number of people who work in Congress has increased year after year, as political favor leads to indiscriminate hiring of advisors and other support staff. This has led to exorbitant salary and honorarium costs. Within this context the President of the Congress requested support from Nineth Montenegro (Second Vice president of the Congress) to support increased transparency in human resource management within the National Congress. To support this process, representative Montenegro requested help from Acción Ciudadana. In May 2012, PTI provided AC with a grant of \$93,377.79 to conduct a social audit of current human resource practices in the National Congress and to establish concrete proposals for improvement. As a result of the donation, AC provided key inputs for a proposal for reform of the Organic Law of the Legislative Branch (LOL) and the Civil Service Law of the Legislative Branch (LSCOL), which was subsequently presented before Congress. (See description under SubIR2.1 for more details regarding the concrete results of the social auditing process.) Finally, AC developed an advocacy strategy to support approval of the LOL and LSCOL.

**Indicator:** Number of civil society organizations receiving USG assistance engaged in advocacy interventions

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 [2011]	3	6	+3

PTI surpassed the target for this indicator in FY12

1] Support to Acción Ciudadana (on behalf of CONAREP) for advocacy regarding political party finance and oversight reform [1 CSO]

Beginning in May of this year the Commission on Electoral Issues (CEAE) sponsored 4 public forums aimed at opening space for civil society to express concerns and proposals regarding the electoral process. Although the activity opened an important space for civil society actors, the focus was limited to civil society actors within Guatemala City and did not include the Supreme Electoral Tribunal, the key actor in organizing and ensuring free and fair elections. Therefore, to contribute to a wider consultation

process, PTI decided to open the dialogue process to civil society at the local and regional levels and encouraged the TSE to provide concrete reform proposals based on its recent experience in the elections of 2011. To achieve this aim, PTI provided Acción Ciudadana with a donation of \$13,729.04 to share the inputs from the forums conducted by CEAE and to present and validate clear reform proposals across five regions of the country. With PTI support, AC conducted five forums, bringing together 221 people, 90 CSOs and 5 media organizations across five departments. Acción

**Table 1: Departments, CSOs and people**

Department	No. of people	No. of Organizations
Chiquimula	46	12 CSOs
Coban	52	17 CSOs
Huehuetenango	37	12 CSOs 2 medios
Retalhuleu	34	16 CSOs 3 medios
Peten	52	15 CSOs

Ciudadana took on this task on behalf of CONAREP, a consortium of over 20 CSOs.<sup>11</sup> Once the dialogue process was complete, AC compiled the results of the experience and submitted it to the CEAE so that they gain an increased understanding of civil society concerns regarding the electoral process (and outcomes) from across a wider swath of the country. On September 26, CONAREP also held a press conference to share its position regarding LEPP, its interest in seeing the process move forward as quickly as possible, and to demand that the CEAE take the concerns of civil society into account as the reform process moves forward.

2] Support for the Rafael Landívar University (in representation of the URL-ASIES-USAC Consortium) to conduct advocacy regarding electoral reform and the role of the TSE [1 CSO]

The Rafael Landivar University (URL), the University of San Carlos (USAC) and the Association of Investigation and Social Studies (ASIES) work in consortium to strengthen the political-electoral apparatus to achieve open and transparent electoral reform. The consortium has signed a memorandum of understanding (MoU) with the TSE in this regard. PTI provided URL with a donation of \$6339.87 to promote dialogue between civil society and Guatemala's political/electoral institutions. Through this activity, URL seeks to establish healthy debate regarding political party financing and oversight. In this vein, URL supported two public forums: (1) *"How to look for effectiveness in Political Party Financing"*; and *"Optimization of control and oversight of political parties."*

3] Support for the Instituto Centroamericano de Estudios Fiscales (ICEFI) in the presentation regarding fiscal transparency in Guatemala [1 CSO]

ICEFI submitted a proposal for project support for events to raise awareness and conduct advocacy in support of fiscal transparency. ICEFI is a research center specializing in fiscal policy in Central America, both at the individual country level, as well as at the regional level. ICEFI produces analysis, publications and technical studies and carries out its work independent of current political administrations, partisan politics and free of the influence of any other organization. The Institute also offers consultancies and training programs on fiscal policy for the legislative and executive branches, as well as for political and social organizations operating in the region. As part of a comprehensive and long-term approach, ICEFI encourages public debate and reflection on fiscal matters and seeks to build consensus and reach agreements that will contribute to more equitable states and societies that are democratic and prosperous. ICEFI publishes reports every six months that contribute to public awareness and provide recommendations to improve ongoing research regarding public administration and finances. ICEFI requested support to complete and publish an assessment report corresponding to the period of July through December 2011 and the first quarter of 2012. PTI provided ICEFI with a donation of \$3,500 to develop the assessment report and to conduct several public forums (regarding the law for institutional strengthening for increased transparency in public expenditure; the reform of banking secrecy regulations to support improved tax policy; and analysis of the 2013 budget). Through these activities ICEFI facilitated broad discussion and analysis among students, academics, civil society, Congressional representatives and their advisors and the media. These activities facilitated the exchange of ideas that will support greater awareness (and potential social auditing) of the 2013 budget.

4] Support to Acción Ciudadana in advocacy activities geared toward reforming human resources management practices in the national Congress. [1 CSO]

See the description AC's activities to audit and support reforms of the LOL and LSCOL under "number of social auditing activities" and "number of concrete changes," both described above.

5] Support to the Center for National Economic Research (CIEN) for their advocacy for recommended institutional changes resulting from the Latin American Budget Transparency Index [1 CSO]

---

<sup>11</sup> CONAREP includes the Latin American School of Social Sciences (FLASCO), the Central American Institute for Political Studies (INCEP), the Association for Development, Organization and Social Studies (DOSES) the Central American Institute for Social Democratic Research (DEMOS), the National Network for Maya Youth Organizations (RENOJ), the More Women, Better Politics Organization and the 212 Group. One of its prime objectives is to promote effective oversight of political party financing during the campaign cycle as well as in periods of routine political activity.

See the description of CIEN activities supported by the project under “number of social auditing activities,” above.

6] Support for Movimiento Pro Justicia’s (MPJ) advocacy activities in the selection processes of the Human Rights Ombudsman (PDH) and the Director of the National Institute of Forensic Sciences (INACIF)/[1 CSO]

See MPJ’s activities to support the selection process of the PDH and the Director of INACIF, described above under “number of social auditing activities” and “number of concrete changes.”

**Indicator:** Number of People affiliated with non-governmental organizations receiving USG supported anti-corruption training. (USG FACTS – GJD 2.4 “F” List indicator)

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
1634 (2008)	700 350W/350M	562	-138

PTI achieved the FY12 target at 80%. One of the principal obstacles was that, although 700 people confirmed their participation in training events, only approximately 600 attended, and of these only 562 completed the full training cycle. Details are provided below regarding trainings provided, by CSO.

1] Training on the Law on Access to Information as a tool for social auditing for nine CSOs [484 people trained: 222 Male; 262 Female]

This training program targets representatives or members of civil society organizations that have activities focused on promotion of citizen participation through social auditing. This training was

**Table 2: People trained, Law on Access to Information**

Organization	No. of people	
	Male	Female
Universidad Rafael Landivar (Proyecto Brújula)	8	13
Acción por la Paz	16	8
Comisión de Auditoría Social del Consejo de Desarrollo de Huehuetenango	32	28
Comisión de Fomento Económico, turismo, medio ambiente y recursos naturales	16	1
Consejo Departamental de organizaciones de desarrollo Oxlajuaj	7	11
Fundación Reicken	14	8
Red Nacional por la Integridad	78	102
Red de Mujeres por la Democracia	0	42
Guatecívica	51	49
<b>Total</b>	<b>222</b>	<b>262</b>

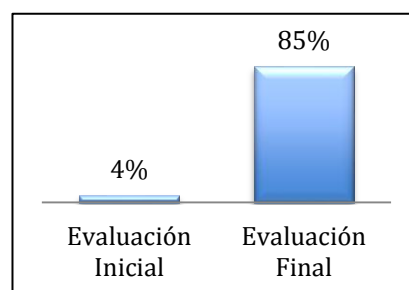
provided to 484 people from across nine civil society organizations. Details regarding the specific organizations and the number of people trained from each are included in Table 2. The training program included three technical sections provided during the course of five hours: Transparency and combatting corruption; social auditing; and access to information as a social auditing tool. The training included group exercises and a final required task that involves completing a request for public information. To evaluate the results of the training session, PTI conducted a pre- and post-

evaluation to identify changes in understanding and knowledge over time. On average, all the CSO participants increased their knowledge by approximately 70%.

2] Training for BA students in Communication at the San Carlos University [41 students- 17 Male; 24 Female]

The BA in Communications at San Carlos includes a required seminar entitled, “Challenges in Guatemala’s Rural Areas.” This year part of the seminar focused on the Law on Access to Information as a tool to contribute to rural development. In mid-

TRANSPARENCY AND INTEGRITY PROJECT:  
ANNUAL M&E REPORT- FY12



September, USAC requested support from PTI to conduct sessions regarding the Law on Access to Information. PTI provided training to 41 students as part of the seminar requirement. Participants increased their knowledge, on average, by 81%. Students are then requested as part of their studies to provide training to target populations in rural areas regarding the law on access to information and social auditing. PTI will provide eventual technical support for these cascaded training efforts as part of the work plan for FY13.

### **LLR 2.1.2: Private sector more active and committed with the fight against corruption**

**Indicator:** Number of Activities carried out in alliance with Private Sector entities that promote GoG transparency

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 (2009)	2	1	-1

PTI achieved this indicator at 50% during the reporting period.

#### 1] Discussion of Constitutional Reforms (especially regarding transparency) from the perspective of the business sector [1 private sector activity]

In coordination with the Technical Alliance for Technical Support to the Legislative Branch (a consortium made up of private sector actors including (FUNDESA, CIEN, CACIF y Fundación 20/20), PTI supported a series of discussions of Constitutional reforms from a private sector perspective to encourage exchange of ideas and greater understanding of the proposed reforms among private sector actors. This activity included public discussions as well as a public Colloquium on July 10 in which 9 specialists in Constitutional Law provided diverse opinions regarding the proposed reforms. Through the Colloquium PTI supported: (1) the exchange of differing viewpoints between constitutional experts; (2) raise consciousness regarding the reform process; (3) promote discussion regarding the advantages and disadvantages of reform; and (4) increase understanding and capacity for critical reflection among the private sector regarding constitutional reform.

### **LLR 2.1.3: Mass media publishes high quality information to control corruption and promote accountability**

**Indicator:** Number of articles / media productions published as result of journalists / media training activities

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 (2009)	25	4	-21

**Table 3: Participants in media training**

Media	No. of participants	Male	Female
Guatevisión	6	1	5



Telediario	2	2	
Canal Antigua	2		2
Radio Punto	1	1	
Emisoras Unidas	2	2	
el periódico	5	2	3
Nuestro Diario	1		1
Plaza Pública	6	4	2
<b>TOTAL</b>	<b>25</b>	<b>11</b>	<b>14</b>

PTI achieved approximately 20% of this target.

1] Training for journalists in Transparency and Investigative Journalism resulting in [4 published articles]

In August, PTI designed and implemented the training course, “Transparency and Investigative Journalism” to (1) increase journalists’ knowledge regarding transparency and anti-corruption concepts; and (2) build their capacity to conduct strong investigate reporting. With this new knowledge and capacity journalists will uncover increased cases of corruption. The training includes 4 modules: (1) investigate journalism techniques (provided by the international consultant Giannina Segnini); (2) intensive training in transparency and anti-corruption principles and legal instruments; (3) training regarding “electronic government”; and (4) personalized coaching sessions around the development of individual investigative pieces. As part of the training process, participants committed to complete at least one investigate journalism piece each regarding transparency or anti-corruption related topics. Thirty-one journalists showed interest, of which 25 were accepted into the training program. The details regarding the number of participants by media are included in Table 3. As of this report, participants have completed 4 investigate journalism pieces (2 radio, 2 t.v.), described in Table 4.

**Table 4: Media reports produced**

No	Name of production	Name of journalist	Communications media	Contents
1	Practical Guide to obtain public information	Gladys Ramírez	TV/Guatevisión	Exposes the challenges that Guatemala has confronted in complying with the Law on Access to Information and presents the 6 steps required for citizens to request information
2	Free access to information	Ligia Herrera	TV/ Guatevisión	Use of the Law on Access to Information as a tool for citizens to understand government decisions and to conduct citizen oversight
3	Denouncements in the Human Rights Ombudsman’s Office regarding negative responses to requests for public information	David Alvarado	Radio/ Emisoras Unidas	Describes the number of requests received in 2012 and exposes the state institutions that have not provided information as the law requires.
4	Public licitations in Guatecompras	Daniel Tzoc	Radio/Emisoras Unidas	Describes the purpose of Guatecompras, including an interview with a government functionary from the Ministry of Finance regarding the use of the system.

In October, the remaining investigative journalism pieces will be completed.

## **SUB IR 2.2: Key Executive Branch Institutions with increased capacity to oversee and implement anti-corruption measures**

**Indicator:** Number of USG-supported anti-corruption measures implemented by the Executive Branch (USG FACTS – GJD 2.4 “F” List indicator / Disaggregated)



Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 (2009)	3	3	0

PTI achieved 100% of the target for this indicator in FY12.

1) Technical and Input Support for the establishment of the Secretariat for Control and Transparency (SCT) [1 measure]

In December 2011, Vice-president Roxana Baldetti requested support from PTI to design a Transparency Plan to define a transparency and anti-corruption strategy for the Executive Branch for the 2012-2015 period. PTI provided a grant of Q120, 000.00 that included: (1) Physical space and computer equipment for a period of three months to facilitate development of the plan for a team of 9 people who will form the future team of the Secretariat for Control and Transparency (SCT); (2) TA to develop the plan.

2) Implementation of the Open Government Project [1 measure]

On September 19, 2011, Guatemala adopted the declaration of the Open Government Project (OGP), a global effort to promote transparency, empower citizens, fight against corruption and strengthen government through technology. One of the state's commitments is the development of an action plan to ensure compliance, which is meant to describe the actions taken at any given point and define future actions still outstanding to comply with the commitment to OGP. PTI met with the Vice President's office in March to discuss progress on the action plan and to offer support for its completion. GoG delivered the action plan before the OGP in early April. In early July the SECYT requested support from PTI for: (1) the development of a clear follow-up mechanism for the OGP; (2) dissemination of the action plan; and (3) development of a clear timeline for action. PTI designed the TOR for a consultant to assume this task, which was sent to SECYT in July for their review and approval. In August SECYT notified PTI (verbally) that they had hired a consultant (Manuel Chocano) to provide follow-up support for the OGP and that PTI support would no longer be required.

3) Support for the National Transparency Policy [1 measure]

In August SECYT requested PTI support in the development of the National Transparency Policy. The development of this policy would represent an important step forward in Guatemala's compliance with article 5 of the UN Convention Against Corruption. PTI developed ToRs for an international expert to support the SECYT in the development of the National Policy. These were shared with and approved by the SECYT's legal advisor in early September. PTI is currently seeking the consultant to support these efforts.

**Indicator:** Number of training days provided to executive branch personnel with USG assistance

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0	150	362	+212

PTI surpassed this target in FY12.

1) Training for representatives of government Access to Information Units [341 days]

PTI provided training of a single six-hour day to 341 government representatives of the Access to Information Units of 28 offices of the Executive Branch between June and August. Training included two sessions: (1) transparency and the fight against corruption; and (2) access to public information. The results of these activities are described more fully under the indicator, "Number of UAIs receiving technical assistance from the Project," below

2] Training for representatives of the SECYT regarding International Anti-corruption Treaties [21 days]  
 Training was provided to 21 government employees of the SECYT during a period of six hours (1 full day). The details from this training can be found under the indicator, “Number of GoG officials receiving Project supported anti-corruption training specifically related to areas of intervention derived from International Anti Corruption Treaties” below.

**LLR 2.2.1: Freedom of Information Law widely disseminated and implemented by the Executive Branch and other national institutions**

**Indicator:** Access to Information Index in the Executive Branch

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
.52 (2008)	N/A	N/A	N/A

According to the Program’s revised PMP, progress against this indicator will be reported in FY13

**Indicator:** Number of UAIs receiving technical assistance from the Project

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 (2009)	5	28	+23

PTI surpassed this indicator in FY12.

1] Training for personnel from Access to Information Units (UIP) within the Executive Branch [28 units trained]

In 2010, PTI designed and began implementing a capacity building program for UIP that included: (1) evaluation of physical infrastructure and administrative functions in 14 UIP; (2) development of software and operating manual for OpenWolf; (3) development of clear process and procedure manuals for each UIP; and (4) training in transparency and anti-corruption, Law on Access to Information, classification of public information, personal data and archiving.

**Table 5: UIPs and number of people trained**

No.	Institution	No. Trained
1	Secretaría de Ciencia y Tecnología	6
2	Ministerio de Agricultura, Ganadería y Alimentación	2
3	Fondo Nacional de Desarrollo	1
4	Fondo de Desarrollo Indígena	5
5	Ministerio de Economía	30
6	Comisión Presidencial de Derechos Humanos	31
7	Ministerio de Finanzas Públicas	30
8	Ministerio de Gobernación	30
9	Secretaría de Planificación y Programación de la Presidencia	22
10	Ministerio de Energía y Minas	8
11	Ministerio de Comunicaciones, Infraestructura y Vivienda	12
12	Ministerio de la Defensa Nacional	8
13	Secretaría de Asuntos Administrativos y de Seguridad	9
14	Secretaría de Seguridad Alimentaria y Nutricional	8
15	Secretaría de Asuntos Agrarios	20
16	Ministerio de Cultura y Deportes	17
17	Secretaría contra el Alcoholismo, la Drogadicción y el Tráfico Ilícito de Drogas	2
18	Ministerio de Educación	7
19	Ministerio de Salud	11
20	Secretaría para la Paz	11
21	Ministerio de Trabajo y Previsión Social	10
22	Ministerio de Relaciones Exteriores	18
23	Ministerio de Ambiente y de Recursos Naturales	30
24	Secretaría Privada de la Presidencia	1
25	Secretaría General de la Presidencia	1
26	Secretaría de Control y Transparencia	1
27	Ministerio de Desarrollo Social	5
28	Vicepresidencia de la República	4

Through that process it was clear that UIPs require ongoing and refresher training. Given this ongoing need, PTI designed a capacity strengthening plan for 2012 focused on reinforcing key concepts from the Law on Access to Information based on case studies. This was particularly salient given the change of government in January 2012, which resulted in changes in the staff of many of the UIPs. The training program focused on two training modules: (1) *Transparency and the fight against corruption*: in this module participants learn how to define, measure and catalogue or classify corrupt acts; they also learn about transparency and the relationship between transparency and access to information; and (2) *Access to Public Information in Guatemala*: in this module participants learn about the Law on Access to Information and its principles.

PTI provided training for 341 government employees across 28 UIPs, detailed in Table 5. According to the pre-and post-evaluations, participants across all units increased their knowledge and understanding by approximately 87% during the training.

The training sessions provided the opportunity for participants to share lessons learned across their respective UIPs. Two key lessons learned include: (1) The National Secretariat of Science and Technology established an Advisory Committee to respond to cases that present particular challenges (e.g., the enlace does

not know how to provide the information requested); (2) the Presidential Commission on Human Rights (COPREDEH) designed a procedure manual to properly archive documents from across each unit within the Commission, facilitating greatly the response process.

At the same time, this process allowed participants to identify a practice that should NOT be replicated: (1) The Ministry of Natural Resources and Environment charges Q1.50 for each photocopy and Q1 for the delivery of requested materials in CD. These practices demonstrate a certain degree of resourcefulness on the part of the UIP given that this practice responds to a clear need (e.g., insufficient paper or other resources to enable effective conduct of the UIPs). Nonetheless, the practice potentially goes against the principles behind the Law on Access, which establishes that charges for the reproduction of materials should never exceed the market rate.

The exchange of information during the training also strengthened the overall process by enabling UIPs to exchange and validate their own practices with their peers. For example, the UIP in the Ministry of

Social Development was newly formed this year, and through the exchange with other UIPs they were able to quickly adapt operating procedures without requiring additional external support. To support this kind of ongoing collaboration between UIPs, PTI circulated a contact list among the participants so that they can continue to build on one another's experiences without the formal intervention of PTI.

### **LLR 2.2.2: A National Anti-corruption Body created and functioning**

**Indicator:** National-level working group / task force formed to lead development and implementation of a National Transparency and Anticorruption Policy / Work Plan

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
No (2009)	YES	YES	0

This indicator was achieved in FY12. Although PTI supported its achievement, it is important to note that the establishment of a national-level task force is outside the direct influence of the project.

#### **1] Publication of Government Accord Number 37-2012 [Task force formed]**

On Tuesday, February 14, 2012 Government Accord Number 37-2012 was published in the Official Central American Daily, the state legislative daily, officially establishing the creation of the Secretariat for Control and Transparency (SCT). According to the Daily the SCT should "...follow instructions from the Office of the Vice Presidency to ensure control and transparency, implementation of electronic government and guarantee access to public information..." Accord 37-2012 began to function the same day of its publication in the journal. To achieve the consolidation of the SCT, PTI provided physical space, equipment and TA, as mentioned above under SubIR2.2.

### **LLR 2.2.3: International Anticorruption Treaties disseminated and implemented by GoG strengthened**

**Indicator:** Number of recommendations of the IACC Committee of Experts addressed by the GoG that are supported by the Project

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
11 (2008)	5	6	+1

PTI *surpassed* this target in FY12.

#### **1] ICAC Recommendations addressed with project support [7 recommendations]**

All of PTI's activities support the GoG's compliance with the MESISIC recommendations. Table 6 details the recommendations that PTI has supported with a description of the specific support provided.

**Table 6: MESISIC Recommendations supported by PTI**

MESISIC RECOMMENDATIONS SUPPORTED BY PTI	TIPO DE APOYO OFRECIDO
Strengthen the implementation of laws and regulatory systems as they relate to the preservation and adequate use of public resources.	PTI supported the Congressional Commissions for Transparency and Constitutional Affairs to encourage approval of the Law of Illicit Enrichment

Strengthen oversight mechanisms as they relate to points 1, 2, 4, y 11 of the Convention to ensure efficiency of those controls and provide necessary resources	Support to the Prosecutor's Office for Corruption Crimes
Strengthen mechanisms for Access to Information	PTI has provided ongoing capacity building support to 28 UIPs and 341 public employees from within the Executive Branch
Strengthen and continue implementing mechanisms to encourage CSOs and NGOs participation in public management and advance the elimination of regulations and norms that discourage or sanction such participation	Through its donations to CSOs PTI has supported the active participation of civil society in government affairs. PTI has also supported over a dozen CSOs through training for social auditing efforts
Design and implement training programs for public employees so that they can investigate and prosecute acts of corruption as defined in the Convention and other treaties to which Guatemala is a signatory	PTI has provided training to functionaries in the Office of the Prosecutor Against Corruption of the Attorney General's Office. PTI also trained 75 public officials regarding International Anti-corruption Conventions and treaties during the reporting period
Typify as a crime, subject to the Constitution and legal framework, behavior associated with illegal enrichment, which refers to the increase in assets or other benefits beyond what is reasonably expected from his/her stipulated and legitimate salary	PTI support the design and discussion of the Law Against Corruption, which includes illegal enrichment

**Indicator:** Number of Government Officials receiving Project supported anti-corruption training, specifically related to areas of intervention derived from International Anti-corruption Treaties

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 (2009)	75 37W/38M	101 40W/61M	+26

PTI surpassed the target for this indicator in FY12.

**Table 7: GoG Officials trained in Conventions**

Institution	No. of Participants	
	Male	Female
Ministry of Energy and Mines	12	15
Training for freshman congressional representatives	16	5
Public Prosecutor's office	21	11

1] <u>Training regarding International Anti-corruption Conventions for public employees of MEM</u> [27 people trained- 12 male; 15 Female]	Against Corruption		
	SECYT	12	9

Throughout FY12 PTI provided training to GoG employees regarding International Anti-corruption Treaties. In total, PTI trained XX government officials, providing them an overview of the key International Anti-corruption treaties and highlight Guatemala's commitment to implement them. This training was particularly important for the Public Prosecutor's Office Against Corruption of the Attorney General's Office given the role of the Attorney General as the key central government authority for the UN Convention Against Corruption. Likewise, this training was important for the SECYT, as the agency responsible for oversight of the MESISIC process in Guatemala. On average, participants in the training events increased their knowledge of the relevant conventions by 70%.

#### **LLR 2.2.4: Mechanisms to pursue allegations of corruption established and working in key GoG institutions**

**Indicator:** Number of existing mechanisms (units) that pursue administrative felonies and allegations of corruption that receive Project technical assistance

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0 (2009)	1	1	0

PTI achieved the target for this indicator in FY12

#### **1] Support for establishment of the Office for Customer Service and Follow up within the Secretariat for Oversight and Transparency (SECYT) [1 measure]**

Shortly after its formation, the SECYT establishes the Office for Customer Service and Follow-up tasks with the reception and follow-up of cases of corruption from within public institutions. PTI met with the SECYT since its inception with the intent of providing support for its institutional objectives. As a result of high staff turnover during its first few months of operations, PTI did not enter an agreement with the SECYT until August, at which point PTI entered into an agreement with SECYT to provide a consultant to: (1) develop a detailed "how-to" guide to provide public employees (who have the legal responsibility to denounce acts of corruption) with a clear protocol regarding how to report alleged corrupt acts within the legal framework in Guatemala; (2) develop a guide detailing SECYT procedures for dealing with such reports; (3) develop a document outlining the parameters of SECYT follow-up regarding alleged acts of corruption within the Executive branch; (4) train a maximum of 50 public employees (identified by SECYT) on the contents of the "how-to" guide; and (5) train employees of the SECYT on the process to receive, process and follow-up on reported cases of corruption.

Unfortunately, SECYT later declined the support from PTI out of frustration with the length and cumbersome nature of PTI's administrative processes. As a result of this process- and to facilitate more rapid response to future requests and establish a binding commitment between PTI and the SECYT- PTI will look to sign a general memorandum of understanding with SECYT in FY13. This will enable PTI to mobilize resources more quickly and will ensure that both parties keep commitments made.

#### **SUB IR 2.3: A more active role of Key Oversight Entities promoted**

**Indicator:** Number of USG-supported anti-corruption measures implemented by Key Oversight Entities (USG FACTS – GJD 2.4 "F" List indicator / Disaggregated)

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
0	3	2	-1



(2009)			
--------	--	--	--

PTI achieved 66% of this target in FY12.

**1] PTI support for the formation of the Technology Committee of the National Congress [1 measure]**

The electronic voting system in Congress exists to facilitate quorum and vote tallies through a system that registers Congressional votes automatically with the push of a button. Unfortunately, the electronic system has been plagued with both technical and cultural challenges from the beginning which have been extremely disruptive to the legislative process (e.g., the system fails, some Congressional representatives resisted the system as a “big brother” tactic, and finally- after getting buy-in and establishing a clear legal framework for its use- the system is 11 years old, making the technology obsolete, especially after 6 years of use). To address these challenges Congressional leadership council requested a diagnostic assessment of the system. PTI hired a consultant (María Mercedes Zaghi) to conduct the diagnostic and present the findings and recommendations to Congressional leadership. One of the key recommendations was the development of a phased technology plan on the short, medium and long-term. (PTI will hire the consultants to develop the plan). As a result of the diagnostic assessment and recommendations, Congressional leaders formed an administrative Technology Committee to provide follow-up and oversight of the recommendation provided. This committee will report to the Congressional leadership council and provide periodic reports to the plenary of Congress regarding progress. PTI will continue to provide support to put pressure on Congress and to ensure follow-up. This will be especially important given the presumed challenges that this process will confront, including resistance from members of Congress and Congressional IT staff.

**2] Training in criminal investigation of corruption cases in the public sphere for the Office of the Public Prosecutor Against Corruption [1 measure]**

PTI designed and implemented a standard training program to ensure minimum competencies among all staff within the Office of the Public Prosecutor Against Corruption of the Attorney General’s Office. This training program represents an anti-corruption measure. Initially the Attorney General’s Office had requested a diagnostic assessment of the overall capacity of the Office of the Public Prosecutor Against Corruption, but later changed their mind and requested that PTI used an existing assessment to design the course. However, because the quality of that assessment was extremely poor (the diagnostic measured the complexity of cases based on the thickness of case folders in the filing cabinet!) PTI designed the course to ensure that participants provided key inputs that could later be used to dig deeper into key themes. The training included the following topics: (1) International Anti-corruption Conventions; (2) applied criminal investigation methodologies; (3) Government oversight norms and standards; (4) Forensic auditing; (5) Criminal theory applied to cases of crimes committed by government employees; and (5); theory of proof.

Through this process thirty people were trained in a process that lasted three months.

**LLR 2.3.1: Regulatory framework and ad hoc legislation to combat corruption is promoted by the Congress in performing its oversight role**

**Indicator:** Number of transparency / anticorruption bills promoted by Congress receiving Project assistance

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
1 (2009)	4	4	0

PTI achieved the target for this indicator in FY12.

In Guatemala the Executive Branch is currently promoting a package of transparency initiatives, which were submitted to Congress in March and were sent to the relevant commissions for review. Within this context, PTI provided support for 4 law initiatives, described below.

1] Organic Law on Budgets /Initiatives 4461 y 4462 [*1 law initiative*]

The law initiatives 4461 and 4462 include reforms to the Organic Law on Budget, the Law on the Comptroller General and Taxation Oversight as well as the Law on the National Information, Statistics and Geography System. The law focuses largely on public spending performance. PTI supported the Congressional Probity Commission with the organization of an event to which state institutions with an interest in discussing budget matters (e.g., Institute for Municipal Development and other Ministries) participated to discuss the bill at length. PTI also provided discrete technical inputs during the conversation. (During this conversation, the president of the Probity Commission proposed the creation of a Law to regulate Public Trusts, discussions, which are ongoing.) The budget initiative has recently stalled as a result of the prioritization of other bills, such as Constitutional Reform and Illegal Enrichment.

2] Law on Public Trusts [*1 law initiative*]

As mentioned above, with the introduction of Initiatives 4461 and 4462 discussions regarding the creation of a Law Regulating Public Trusts begin. In Guatemala there are at least 75 public trusts. As a result of the current legal/regulatory structure for public trusts in Guatemala, they are not subject to state oversight.<sup>12</sup> Given this loophole, public trusts are often used to channel money for the specific purpose of avoiding state oversight. The Law on Public Trusts seeks to remedy this situation by making them subject to state control and oversight. PTI supported these efforts by sponsoring a series of meetings of the Congressional committees for Legislation and Constitutional Affairs and Taxation. Discussions regarding the initiative have recently stalled as a result of the prioritization of other bills, such as Constitutional Reform and Illegal Enrichment.

3] Law on State Contracts [*1 law initiative*]

Initiatives 4461 and 4462 include reforms to the Law on State Contracts. By some estimates, reforms to the Law on State Contracts would resolve 95% of state-sponsored corruption as under the current model state contracts are often issued to pay political favor (e.g., in return for financing a political campaign, a given vendor gets juicy state contracts). In this context, PTI provided support for public meetings of the Congressional Committees for Legislation & Constitutional Affairs and the Committee for Taxation to discuss the initiative. During the meeting, the discussions focused around ensuring transparent contracting processes and that only qualified vendors receive state issued contracts. One part of the conversation focused on the use of the existing Guatecompras platform to both issue public announcements and receive and adjudicate offers, eliminating the potential bias and influence of public employees.

4] Criminal Law on Illicit Enrichment [*1 law initiative*]

Initiatives 4461 and 4462 also include the creation of a Law on Illicit Enrichment. One of the clear objectives of this law is to strengthen the Comptroller General's Office. PTI supported the Congressional Committee for Legislation & Constitutional Affairs through multiple work sessions, technical assistance and information sharing with the President of the Committee. PTI also supported CEG with a grant to accompany and monitor the legislative process. This initiative has received significant support (and pressure) from civil society and the international community, and has received a great deal of media coverage over the last several years as a result of its perceived importance for transparency and anti-corruption efforts in Guatemala. The discussion process for this initiative has been delayed as a result of its complexity (e.g., multiple Congressional committees need to participate in review and discussion processes) as well as the prioritization of other points on the legislative agenda, such as Constitutional reform and the law on electoral politics and political parties.

---

<sup>12</sup> Public trusts are not overseen by the Comptroller General's Office like other public funds; instead, they are subject to oversight by the Superintendent of Banks



**LLR 2.3.2: Mechanisms to pursue corruption cases are established and functioning in the Anticorruption Unit of the Attorney General Office**

**Indicator:** Number of executed arrest warrants in corruption related cases increases

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
15 (2009)	60	4	-56

Although PTI has contributed to the target, the target was not reached during the reporting period. It is important to note that PTI has virtually no influence over the issuance of arrest warrants on the part of the state.

1] Arrest warrants issued for alleged corrupt acts [4 arrest warrants]

PTI provided training that supported improved criminal investigation (*described under “Number of USG-supported anti-corruption measures implemented by Key Oversight Entities” above*). In this sense, PTI plays a role in improving overall competencies and practices within Office of the Public Prosecutor Against Corruption of the Attorney General’s Office as the integrity and quality of the information helps build a case against the alleged perpetrators of corrupt acts and has an impact (theoretically) on whether the presiding judge in each case decides to issue an arrest warrant or not. The training provided by PTI was particularly important this year in that, since the change in government, the Office of the Public Prosecutor Against Corruption has seen turnover of approximately 90% of its staff, making the need for training especially salient.

After completing the training, PTI also provided discrete technical support to staff in the Office of the Public Prosecutor Against Corruption for specific cases and to help overcome bottlenecks. During the period, four arrest warrants were issued, detailed in Table 8.

**Table 8: Arrest Warrants Issued**

No.	Name of accused	Case ID	Brief description of alleged crime
1	Coronel Jorge Eduardo de la Rosa Girón	MP001-2009-151	Embezzlement and misappropriation of funds
2	Coronel Mario René Alegría Maldonado	MP001-2009-151	Embezzlement and misappropriation of funds
3	Marlon Armando Portomarin De León	MP001-2009-121387	Use of falsified documents
4	Jorge Estuardo Cuéllar Hernández	MP001-2009-121443	Use of falsified documents

IN FY13, PTI will continue to strengthen the investigation and follow-up capacity of the Office of the Public Prosecutor Against Corruption by support the development of a clear protocol and timeline for follow-up on alleged corruption cases.

**LLR 2.3.3: Comptroller General Improves its performance in selected areas of intervention**

**Indicator:** Percent of cases under investigation or in "open process" with the Public Ministry derived from audits conducted by Controller's Office

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	

<i>Pending</i> [2012]	NA	NA	NA
--------------------------	----	----	----

Given that this indicator was added in the recent PMP modification, in FY12 PTI's target was to establish the baseline. This indicator is a measure of the capacity of the Comptroller General's Office to effectively audit and to ensure that actual cases of corruption can be successfully and efficiently channeled to the Public Ministry for investigation and follow-up. To generate the baseline, PTI used records from the Comptroller General's Office to determine the full number of cases reported to the Attorney General's Office. PTI then used records from the Attorney General's Office to understand how many of those alleged cases of corruption were suitable for follow-up. The assumption is that over time, and as the Comptroller General's auditing function improves, an increasing number of cases presented will enter into the formal investigation process. Likewise, over time we should see a lower number of cases dismissed by the Attorney General.

As of this report, PTI has requested data regarding this indicator from the Attorney General's Office and the Comptroller General and has received no response. PTI will ensure provide the follow-up necessary to finalize the baseline prior to the end of the first quarter of FY13. As soon as the data is available the PMP will be updated. Progress against the baseline will be reported at the end of FY13.

**SUB IR 2.4: A more transparent political party financing system established and working**

**Indicator:** Law Initiative for a Political Party Finance Reform

Baseline Value	Y3 FY12 (Aug. 2011 - Sept 2012)		VARIANCE
	Target	Actual	
NO [2012]	NO	SI	Achieved prior to planned date

PTI's current work plan includes continued coordination with other USAID contractors and the international donor community to facilitate and promote dialogue to raise awareness and collect conceptual and methodological inputs to reform the Law on Elections and Political Parties. The Project

**U.S. Agency for International Development**  
Guatemala  
Km 6.5 Final Boulevard Los Proceres  
Santa Catarina Pinula  
Guatemala, C.A.  
Tel: (+502) 2422-4000; Fax: (+502) 2422-4585  
<http://www.usaid.gov/gt>